

## Message Text

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PAGE 01 GENEVA 01340 241940Z

13

ACTION IO-11

INFO OCT-01 EUR-12 ISO-00 DHA-02 L-03 SS-15 SP-02 NSC-05

CIAE-00 DODE-00 INR-07 NSAE-00 PA-01 PRS-01 USIA-06

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R 241700Z FEB 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 8320

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

USUN NEW YORK 2689

AMEMBASSY NICOSIA

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EO 11652: N/A

TAGS: SHUM, UN, UNHRC

SUBJECT: HUMAN RIGHTS COMMISSION (HRC) - CYPRUS

REF: GENEVA 0989

1. THRID WORLD NEGOTIATIONS REFERRED TO REFTEL HAVE RESULTED IN FORMULATION OF DRAFT RESOLUTION, TEXT OF WHICH AT END OF THIS MESSAGE. TEXT WAS GIVEN US DEL BY GREEK OBSERVER DEL, WHO URGED OUR SUPPORT.

2. US DEL UNDERSTANDS THAT TURKISH, CYPRIOT AND GREEK OBSERVER DELS HAVE ALL AGREED TO FOLLOW SCENARIO PROPOSED BY MRS NEHRU, ONE OF PRINCIPAL MOVERS IN SEEKING AVOID CONTENTIOUS DISCUSSION OF CYPRUS QUESTION IN HRC. RESOLUTION WILL BE INTRODUCED BY CUBA AND SUPPORTED BY INDIA, WHO WILL THEN PROPOSE ITS QUICK ADOPTION BY CONSENSUS. TURKEY, CYPRUS AND GREEK OBSERVER WILL NOT TAKE PART IN DEBATE, AND NO (REPEAT NO) PROPOSAL WILL BE MADE BY TURKEY TO INVITE REP OF TURKISH CYPRIOT COMMUNITY TO MAKE STATEMENT.

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PAGE 02 GENEVA 01340 241940Z

3. ONLY FLAW IN PLAN FOR QUICK AND QUIET DISPOSITION OF DRAFT RES LIES IN REFUSAL OF TURKISH AMB KIRCA TO ACCEPT RES. AS KIRCA EXPLAINED TO WEO GROUP MEETING FEB 24, HE OBJECTS TO OPERATIVE PARA. 1 WHICH REPEATS SUBSTANCE OF OPERATIVE PARA 4 OF GA RES 3395 (XXX), WHICH TURKEY VOTED AGAINST. KIRCA IS SEEKING INSTRUCTIONS ON WHETHER HE MUST OBJECT TO MOVE FOR CONSENSUS AND VOTE AGAINST RES OR WHETHER HE CAN ACQUIESCE IN CONSENSUS WITH EXPLANATION OF TURKISH OBJECTION. IN EITHER CASE HE EXPECTS TO HAVE TO STATE TURKISH OBJECTIONS AS AN EXPLANATION OF VOTE. HIS EXPLANATION WILL, HE ASSERTS, BE "TECHNICAL" AND NON-POLEMICAL AND PRESUMABLY WILL BE IN TERMS WHICH WILL AVOID OPENING UP A SUBSTANTIVE DEBATE.

4. AGENDA ITEM UNDER WHICH CYPRUS RES TO BE PRESENTED EXPECTED TO BEGIN FEB 26. REQUEST VOTING INSTRUCTIONS.

5. TEXT FOLLOWS. BEGIN TEXT

THE COMMISSION ON HUMAN RIGHTS

GUIDED BY THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS;

MINDFUL OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE RELEVANT INTERNATIONAL INSTRUMENTS AND IN PARTICULAR THE PROVISIONS OF THE GENEVA CONVENTIONS OF AUGUST 1949;

NOTING GENERAL ASSEMBLY RES 3395 (XXX) AND 3450 (XXX);

REAFFIRMING ITS RES 4 (XXXI) AND DEEPLY CONCERNED BY THE LACK OF PROGRESS IN ITS IMPLEMENTATION;

RECALLING RES NO. 1 (XXVIII) OF THE SUBCOMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES;

DEEPLY CONCERNED BY THE CONTINUATION OF THE CYPRUS CRISIS AND THE CONTINUING PLIGHT OF THE DISPLACED PERSONS IN CYPRUS;

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PAGE 03 GENEVA 01340 241940Z

MINDFUL OF THE NEED TO SOLVE THE HUMANITARIAN PROBLEMS AND RESTORE HUMAN RIGHTS IN CYPRUS WITHOUT FURTHER DELAY;

RECOMMENDING TO THE TWO COMMUNITIES TO DO THEIR UTMOST TO FIND A JUST AND LASTING PEACEFUL SOLUTION TO THE CYPRUS PROBLEM BASED ON RESPECT OF THE SOVEREIGNTY, INDEPENDENCE, TERRITORIAL INTEGRITY AND NON-ALIGNMENT OF THE REPUBLIC OF CYPRUS, WHICH SOLUTION WILL ALSO GUARANTEE THE FULL ENJOYMENT IN MUTUAL CONFIDENCE BY THE WHOLE

POPULATION OF CYPRUS OF ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

NOTING THE REPORT OF THE SECRETARY GENERAL UNDER GENERAL ASSEMBLY  
RES 3450 (XXX) AND ITS OWN RESOLUTION 4 (XXXI) AND EXPRESSING  
APPRECIATION THEREFORE;

APPRECIATING THE FACT THAT THE TIME FACTOR HAS NOT ENABLED THE  
SECRETARY GENERAL TO COMPLETE THIS TASK UNDER GENERAL ASSEMBLY  
RES 3450 (XXX).

1. RENEWS ITS CALL UPON THE PARTIES CONCERNED TO UNDERTAKE URGENT  
MEASURES TO FACILITATE THE VOLUNTARY RETURN OF ALL REFUGEES AND  
DISPLACED PERSONS TO THEIR HOMES IN SAFETY AND TO SETTLE ALL OTHER  
ASPECTS OF THE REFUGEE PROBLEM.

2. URGES ALL PARTIES TO REFRAIN FROM UNILATERAL ACTIONS IN CONTRA-  
VENTION OF THE RELEVANT UN RESOLUTIONS, INCLUDING CHANGES IN THE  
DEMOGRAPHIC STRUCTURE OF CYPRUS.

3. REQUESTS THE S.G. TO CONTINUE AND INTENSIFY HIS EFFORTS  
UNDER G.A. RESOL 3450 (XXX) IN RESPECT OF MISSING PERSONS IN  
CYPRUS AND CALLS UPON THE PARTIES CONCERNED TO COOPERATE WITH  
THE S.G. IN THE FULFILMENT OF HIS TASK.

4. REQUESTS THE S.G. TO PROVIDE THE COMMISSION ON HUMAN RIGHTS  
AT ITS THIRTY-THIRD SESSION WITH INFORMATION RELEVANT TO THE  
IMPLEMENTATION OF THE PRESENT RES.

5. DECIDES TO CONSIDER THE QUESTION OF HUMAN RIGHTS IN CYPRUS  
AS ITS THIRTY-THIRD SESSION.

END TEXT. BRUNGART

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